

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

HAKIM M. WAHID,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 07-4128-CV-C-SOW
	)	
KEVIN C. BOND, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On August 13, 2007, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on August 24, 2007. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. Neither in his exceptions nor in his original complaint has plaintiff alleged facts suggesting he has suffered actual injury in any case because of limited access to law books or because of a delay in obtaining notary services. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

Plaintiff's financial documentation indicates that he is capable of paying an initial partial filing fee of \$4.00. See 28 U.S.C. § 1915(b)(2) (provisions for deducting money from prisoner's account).

IT IS, THEREFORE, ORDERED that plaintiff's initial partial filing fee is calculated at \$4.00 and the Missouri Department of Corrections is directed to deduct from plaintiff's inmate

account, and forward to the court, the initial partial filing fee and installment payments, in accord with the provisions of 28 U.S.C. § 1915, until the \$350.00 filing fee is paid in full. It is further

ORDERED that the Report and Recommendation of August 13, 2007, is adopted. [6] It is further

ORDERED that plaintiff's claims are dismissed, pursuant to the provisions of 28 U.S.C. § 1915A, for failure to state a claim for which relief can be granted.

/s/

SCOTT O. WRIGHT  
Senior United States District Judge

Dated: September 26, 2007  
Kansas City, Missouri